

EXHIBIT 57

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O'SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY d/b/a GEICO,

Defendant.

Case No. 2:23-CV-02848 (GRB) (ARL)

DECLARATION OF PAUL KOENIG

I, Paul Koenig, based on my personal knowledge and pursuant to 28 U.S.C. § 1746,
declare as follows:

1. I am an employee of Government Employees Insurance Company ("GEICO" or the "Company"). I currently work for GEICO as a Senior Internal Security Investigator in the Special Investigations Unit ("SIU").

2. I have worked for the Company as a Senior Internal Security Investigator in the SIU since in or around February 2019. In this role, I work almost entirely remotely from my home. I go to the Company's Melville, New York office located on Long Island approximately one day per month and occasionally for training.

3. I used to work in GEICO's Woodbury, New York office located on Long Island and regularly went into the office for work prior to changes relating to COVID-19 in March 2020, when I began working remotely from my home.

4. Prior to working in my current role in the SIU, beginning in or around June 2002, I worked for GEICO in the Claims department, including as a Claims Examiner and then as a Claims Supervisor.

5. Prior to the restructuring of SIU in 2023, I worked in Region 2 within the former SIU organization structure. I have no idea how things were done in other Regions outside of Region 2 because each Region operated as its own separate world. For example, all meetings within my department in SIU were only attended by the other Region 2 Internal Security Investigators and did not include any SIU Internal Security Investigators from any other Region. As part of the 2023 SIU reorganization, we have had a number of company-wide SIU meetings, but I don't recall participating in any work meetings outside of my Region before 2023.

6. For approximately three years, until 2023, I reported to SIU supervisor Theresa Bishop, who reported to Bill Newport, SIU manager for Region 2, until the recent SIU 2023 reorganization. As part of the recent SIU 2023 reorganization, I now report to SIU supervisor Nichole Matthew, who reports to SIU manager Jim Hammonds.

JOB RESPONSIBILITIES

7. As Senior Internal Security Investigator, my job duties have evolved during my time in the position. When I began working in this position, I mostly handled reviewing social media aspects of claims.

8. I did not conduct examinations under oath until in or around April 2022, when I started working mostly on staged and caused accident cases.

9. Currently, I review cases for potentially staged and caused accidents. This is much more involved than general investigations because it involves a higher level of scrutiny and requires me to more closely check background reports for links to potential fraud rings and

individuals orchestrating multiple accidents. In this role, I perform various tasks, which include reviewing cases assigned to me, including the claim file and the relevant claim policies, running background checks and claims history checks on individuals related to the claim, reviewing background and files on the vehicles involved, scoping out the scene of the accident to the extent I am able to do using the internet, locating parties on social media, taking statements over the phone from parties, personally conducting examinations under oath with attorney-represented parties in some cases, and maintaining existing cases.

10. In a typical workday, I will get a new case, go through the file and review the details within the file, take one or two examinations under oath (remotely by phone or video conference), review any pertinent medical records of billings previously requested that come in for other cases, and sometimes call investigators at other insurance carriers in similar positions to mine.

11. On Mondays, I usually try to at least take a look at each of my existing case files in order to look them over so I can plan out my anticipated work for the week. I do not tend to spend much time on most of my pending cases each week unless something pops up.

12. From Monday to Thursday, I regularly schedule and attempt to conduct at least two examinations under oath (“EUO”) each day, subject to scheduling changes or cancellations and examinees appearing for their EUO.

13. I generally have around 20 cases at a given point in time.

14. From inception to closing, although all cases are different, a staged accident case could take me approximately 4 hours to close. However, if follow-up or evaluations under oath are required, that can take an additional 3 to 5 hours per case. Reviewing and drafting a closing report for a given case generally takes me around 1 to 2 hours.

15. Throughout my time in SIU, I have never gone into the field to perform any fieldwork.

16. During the initial period of COVID-19, my workload was a little bit lighter than usual because it was a strange time and people were not driving as much in New York.

17. Starting in or around April 2022 when I began to primarily work staged and caused accident cases, my workload picked up compared to my prior work.

WORK HOURS / TIMEKEEPING

18. I work Monday through Friday from 7:00 a.m. to 3:30 p.m. I work 7.75 hours in a day and total 38.75 hours per work week. I think that when I was working in the office in my current role before COVID-19, I worked a regular schedule of 6:30 a.m. to 3:00 p.m., totaling the same 38.75 hours per work week.

19. Unless I am stuck on a rare call that runs a few minutes beyond my normal 3:30 p.m. daily work end time, or otherwise continue to work for a short amount of time to finish up a task, I do not work beyond my allotted daily work hours. On the five to ten rare occasions when I worked for a few minutes beyond my normal daily work end time, GEICO would have had no way of knowing that I had worked those few extra minutes.

20. I have never felt any pressure to work off the clock at any point during my more than 20 years of employment with GEICO.

21. I submit my hours daily in GEICO's timekeeping system, Workday. I think that my supervisor approves my time daily as well.

22. I do not recall ever working overtime hours while employed by GEICO in the SIU.

23. I think that overtime hours were authorized in SIU on one occasion to help with an influx of claims, but I chose not to participate and did not take any overtime hours when GEICO offered them. I do not remember the specifics of that voluntary overtime offering in SIU.

24. I have never complained about any time for which I worked but was not compensated at GEICO. I believe I have been appropriately compensated for all of the time that I have worked and accurately reported in the SIU at GEICO.

COMPENSATION

25. I am currently paid at the hourly rate of \$55.16. I have received multiple raises in the time since I began working in SIU.

26. I am paid on a bi-weekly basis.

27. I have never complained about unpaid wages while working at GEICO, and I check all of my paychecks to ensure they are accurate and correct.

BREAKS

28. I take a one-hour lunch break each day, usually around 12:30 p.m. in the afternoon. I do not perform any work during my lunch break.

29. I also usually take a break of about 5-minutes each day to make coffee in my kitchen.

GEICO COMPLAINT PROCEDURES

30. I have never had reason to complain about any timekeeping or pay issues at GEICO, but if I ever had any issues, I would talk to my supervisor first. I am also aware that I can go to Human Resources to voice my concerns.

PARTICIPATION

31. I am providing this statement of my own free will. I have not been threatened, coerced, or in any way intimidated by GEICO or its attorneys concerning any aspect of this declaration.

32. I understand and acknowledge that GEICO will not retaliate or take any negative action against me for making this declaration or for not making this declaration, if I elect not to make it.

33. I have not been promised anything in exchange for making this declaration and understand that I will not be subject to favoritism or receive any benefit from GEICO for providing this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

November 9, 2023

Date

DocuSigned by:
Paul Koenig
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Paul Koenig